

# **Credit River Township**

## **Meeting Minutes**

**January 7, 2008**

### **Regular Meeting**

#### **Call to Order**

Chairman Dan Casey called the meeting to order at 7:00 pm.

#### **Members Present:**

Chairman Dan Casey, Supervisor Leroy Schommer, Supervisor Bruce Nilsen

#### **Others Present:**

Township Clerk Jerry Maas, Township Treasurer Holly Batton, Township Engineer Jeff Elliott, Township Attorney Bob Ruppe

#### **Meeting Minutes**

Chairman Dan Casey asked Clerk Jerry Maas to summarize the minutes from December 17, 2007.

Supervisor Bruce Nilsen made a motion to approve the minutes as read. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

#### **Treasurer's Report**

No report this evening

#### **Sheriff's Report**

Chairman Casey asked Clerk Maas to review the report that the Scott County Deputy had delivered earlier in the evening. Clerk Maas pointed out that there were 105 calls during the month of December. As usual, false alarms with 17 were ranked number 1. There were 7 Theft reports, 4 Vandalism and 7 Suspicious Activity reports.

#### **Residents Report**

Resident Greg Brown noted that the CAG last met on December 11<sup>th</sup> and discussed the recent issue with the lapsing of the Letter of Credit, and the Orderly Annexation Agreement that is being considered with the City of Prior Lake.

He also noted the large turnout this evening for another agenda item and invited any who might be interested to come to the meetings that are held on the 2<sup>nd</sup> Tuesday of each month.

#### **Open Forum**

##### **1) Resident Issues**

Clerk Jerry Maas noted that he now has a "Resident Issue" binder and is keeping all resident complaints in this book in either an "open" or a "closed" category.

He noted that there were a couple of items that were still shown as open and he asked if the board had an opportunity to follow-up.

- a.) A resident on 195<sup>th</sup> Street submitted a request in late November for someone to meet with her regarding a drainage issue with her neighbor. Supervisor Schommer indicated that he would take care of this.

- b.) There has been a request to have the street sign re-installed on Johanna Drive and Casey Parkway since early November. The board indicated they would look into it.
  - c.) Clerk Maas noted that we had previously discussed the large tree bough lying in the roadway on Oak Hill Lane. Chairman Casey indicated it had been taken care of.
- 2) Appeal Assessment Charges – Mr. and Mrs. Scott Scheer – Amber Lane
- Mrs. Jenny Scheer appeared before the board to appeal the previous decision to assess the repair charges on the CSTS system to her taxes. She noted that while they noted that they were certain that damage had occurred during the construction of the project and in fact is not even located on their property. The Board instructed Engineer Jeff Elliott to make a site visit and report back at the next meeting.
- 3) Petition for a Five Member Town Board
- Resident Dave Brunello of Lynn Drive presented a certified petition from the County Auditor with 30 names requesting that the question of adopting the Option A form of Government be placed on the ballot at the next Township Election on March 11<sup>th</sup>. Attorney Bob Ruppe reviewed the petition and in that everything appeared in order, recommended that the Board accept it. Option A calls for a 5-person Town Board.
- The Board instructed Clerk Jerry Maas to include this question in his Notice Of Election to be sent to Scott County on January 18<sup>th</sup>.
- 4) Excess rock on Jennifer Lane
- John Hogar, a resident of Jennifer Lane noted that he felt that there was too much excess rock chips on the road way as a result of the crack sealing project last year. The Board indicated they would review it in the spring.

### **Agenda Item 1 – Jason Allen – 3 lot Split on 210<sup>th</sup> Street**

Mr. Allen currently has a single 9.54-acre lot and would like to sub-divide into 3 lots. One of the requirements is that he maintain frontage on a publicly maintained road 66 feet wide. Creation of the new lots will result in Mr. Allen losing this frontage.

The board asked engineer Jeff Elliott to visit the site and to also investigate if any agreements exist with the Territory and to report back at the next meeting on the 22<sup>nd</sup>.

The Board asked Mr. Allen to establish an escrow account with a \$1000 initial deposit to cover engineering expenses and tabled further discussion until the January 22<sup>nd</sup> meeting.

### **Agenda Item 2 – Consider Option B Form of Government – Appoint rather than elect the Town Clerk and Treasurer**

Supervisor Leroy Schommer noted that it was his idea to suggest that the Board consider discussion. This form of government would specify that the Clerk and Treasurer would no longer be elected, but rather be appointed by the Town Board.

There were several questions raised by the audience as to why this was thought to be a good idea. Mr. Schommer indicated that he had been giving it quite a bit of thought and since we are looking at possibly incorporating, that this might be an appropriate time to adopt this form of government.

Treasurer Holly Batton noted that in her view the potential new election of a clerk and/or treasurer every two years would not be beneficial. There is a long learning curve and after five years, she pointed out that she was still running into new things. Continuity and

consistency with these positions is important. Qualifications for election is \$2, residency and being over 21 – not enough for what the jobs demand these days.

Considerable discussion took place regarding this issue. Resident Dave Brunello asked if there were other reasons that this was being considered at this time. Chairman Dan Casey indicated that the Board wanted more control over these positions. They noted that they had recently asked that the minute books be stored at the Town Hall and that Clerk Maas was slow in responding to this request.

Chairman Dan Casey suggested that we place all options on the ballot and let the voters decide. Several residents objected and felt that a great deal of confusion would result. Resident David Beehler noted that he felt the Board was not demonstrating any leadership on this point by simply suggesting that all options be placed on the ballot and asked that the board take a more definitive position.

Chairman Casey made a motion to place Option C calling for the appointment of a town administrator on the ballot.

In the absence of a second, this motion failed.

Supervisor Bruce Nilsen made a motion to place the question regarding Option B on the ballot. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

## **Engineer's Report**

### **1) Stonebridge Project**

The developer is taking the position that this project is complete even though the Township has yet to formally accept the project and there is still the question of the warranty on the construction to be worked out.

The developer failed to renew the Letter of Credit for the project and consequently the Township called this letter and deposited the funds in a Township account. The understanding is that we can use these funds to complete the construction. The question of using the funds to carry on the on-going operation of the Community Sewer System remains open.

The developer had instructed the utilities to change the account names to that of the Township and to begin forwarding bills accordingly. The board instructed Treasurer Batton to call the utilities and indicate that we would not be prepared to accept these charges at this time. In addition, we would ask the developer to formally acknowledge in a letter that they would grant permission to use funds from the defaulted Letter of Credit to pay the utility charges.

The Board also asked that Clerk Maas contact the developer and invite them to the next meeting to further discuss future direction on this project.

### **2) Territory Mound Weep Problem**

Engineer Elliott noted that the Township had received a letter from Laurent Development detailing their plans to resolve this problem

The Board directed engineer Elliott to work with Attorney Bob Ruppe and compose a response demanding that the developer completely replace this defective mound as soon as the weather permits.

### **3) Comprehensive Plan Financial Assistance from the Met Council**

In reviewing the Loan Agreement, Engineer Elliott noted that there is a requirement that an interim progress report be prepared and submitted to the Met Council. The Board directed Engineer Elliott to discuss the cost of this report with Planner Bob Kirmis.

In the interests of getting this application returned to the Met Council, Supervisor Bruce Nilsen made a motion to approve it contingent on the cost to the Township not to exceed \$750. Supervisor Leroy Schommer offered a second, all in favor, motion carried.

**4) Discuss County Crack Sealing / Seal Coating / Dust Coating Proposal**

Scott County has sent proposals to the townships inquiring as to the interest in participating in a joint project for these activities this summer.

The Board indicated that they would review this and tabled further discussion until the January 22<sup>nd</sup> meeting.

**5) Work Order Request from Jacque Whitford EcoCheck**

EcoCheck is asking for authorization to spend \$5600 in order to comply with new requirements from the MPCA for the new operating permit.

Supervisor Bruce Nilsen made a motion to approve this expenditure. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

**Other Business**

**1) Mauzy Property**

Treasurer Batton noted that this issue still had not been resolved.

The Board directed Attorney Bob Ruppe to contact Ecocheck and facilitate resolution.

**2) Resolution to Assess Delinquent Sewer Charges to Property Taxes**

Attorney Bop Ruppe presented Resolution 2008-01 and supporting documents required to certify these taxes.

Supervisor Bruce Nilsen made a motion to adopt Resolution 2008-01. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

**3) Snow Plowing Issues**

The Board discussed reseeding the damaged property at 17295 Casey Court in the spring. Supervisor Schommer will follow up.

**4) Treasurer Batton - request Approval to change ACH code from checking to Savings Account**

Treasurer Holly Batton noted that our tax deposits are automatically deposited in the checking account. In that she can't make the transfer to savings without Board approval, she is asking for approval that future deposits be routed directly to the savings account.

The Board approved this request.

**5) Escrow Account – Haugen Project off Lower 167th**

Treasurer Batton requested that she be allowed to write off \$167.66 to the general fund for this delinquent escrow account.

The Board approved this request.

**6) Board of AUDIT**

Treasurer Batton suggested that the Annual Board of Audit be scheduled for February 18, 12008.

The Board approved this request.

**7) Service Charges at property on Whispering Way**

Treasurer Batton indicated that it was her understanding that \$187.50 in legal expense should be charged to the Territory Escrow account, the \$400.00 in pumping charges should be charged to the homeowner and that \$687 would be borne by Ecocheck.

**8) Comments on Comprehensive Plan**

Attorney Bob Ruppe noted that we had informally supplied the City of Savage with a Draft copy of our Preliminary Comp Plan and wondered if we had received any comment back as yet.

Clerk Jerry Maas and Engineer Jeff Elliott noted that neither of them had heard anything. The Board asked Clerk Jerry Maas to check with Savage City Administrator to see if they have any informal comments at this time.

**Review and Pay Bills**

The Town Board approved and paid the following claims:

1/7/2008	4160	Hakanson Anderson Assoc	Engineering - November 2007	\$	9,978.90
1/7/2008	4161	Dennis Karow	Snow Plowing - Town Hall Lot	\$	380.00
1/7/2008	4162	Northwest Associated Consulting	Plan / Zone 2007	\$	123.00
1/7/2008	4163	Bryon Rock Products	Purchase Rock	\$	1,132.82
1/7/2008	4164	City of Prior Lake	Fire Contract - First Half	\$	88,713.50
1/7/2008	4165	Michael D Heski	Replace Mailbox	\$	50.00
1/7/2008	4166	MVEC	Monterey Hgts Lift Station	\$	39.38
1/7/2008	4167	MVEC	South Passage Lift Station	\$	54.82
1/7/2008	4168	MVEC	Town Hall Electricity	\$	65.50
1/7/2008	4169	Scott Soil & Water	NPDES Inspections - Nov / Dec	\$	2,280.00
1/7/2008	4170	Couri MacArthur & Ruppe	Legal Service - December	\$	5,812.50
1/7/2008	4171	Jacques Whitford EcoCheck	November CSTS O & M	\$	4,520.87
1/7/2008	4172	Xcel Energy	St Francis Street Light	\$	12.51
1/7/2008	4173	Scott County Treasurer	Truth in Tax Share	\$	414.81
1/7/2008	4174	CenterPoint Energy	Town Hall Gas	\$	161.70
1/7/2008	4175	Southwest Suburban Publishing	Legal Advertising-Prior Lake	\$	71.34
1/7/2008	4176	Rock Creek Builders	NPDES Refund	\$	1,730.00
1/7/2008	4177	Charles Cudd LLC	NPDES Refund	\$	1,850.00
1/7/2008	4178	Brasel Construction	NPDES Refund	\$	1,380.00
1/7/2008	4179	Nick Smith	NPDES Refund	\$	1,960.00
1/7/2008	4180	Stephen Longman Builders	NPDES Refund	\$	1,700.00
1/7/2008	4181	Geckler & Associates	NPDES Refund	\$	1,760.00
1/7/2008	4182	Roger Mellman	NPDES Refund	\$	1,900.00
1/7/2008	4183	DG Williamson	NPDES Refund	\$	980.00
1/7/2008	4184	William Hadac	NPDES Refund	\$	950.00
1/7/2008	4185	Holly Batton	Dec Expense Reimbursement	\$	74.65
1/7/2008	4186	Jerry Maas	Dec Expense Reimbursement	\$	70.96
1/7/2008	4187	Holly Batton	Services as Treasurer	\$	1,510.07
1/7/2008	4188	Void		\$	-
1/7/2008	4189	Jerald R Maas	Services as Clerk	\$	3,324.60
1/7/2008	4190	Bruce Nilsen	Services as Supervisor	\$	678.77

1/7/2008	4191	Leroy Schommer	Services as Supervisor	\$	734.18
1/7/2008	4192	Dan Casey	Services as Supervisor	\$	955.82
1/7/2008	4193	Dan Casey	Dec Expense Reimbursement	\$	45.36
1/7/2008	4194	Leroy Schommer	Dec Expense Reimbursement	\$	18.43

## Adjourn

There being no further business before the Town Board, Supervisor Bruce Nilsen made a motion to adjourn, Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 - 0. The meeting adjourned at 11:00 pm.

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Submitted By: (s/) Jerald R. Maas  
Township Clerk  
Credit River Township

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Approved By: (s/) Dan Casey  
Chairman Board of Supervisors  
Credit River Township